

FIFTEENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, May 5, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Rev. J. F. Hillyer.

Journal of yesterday read and adopted.

It was announced by the President that Senator Brown was added to Judiciary Committee No. 2, and Senator Blassingame to Committee on Contingent Expenses.

On motion of Senator Francis, Senator Wortham was added to Committee on State Asylums.

Senator McCulloch introduced a bill to be entitled: "An Act to provide for the punishment of certain offenses within the cities, towns and boroughs of this State."

Read first time and referred to Committee on Judiciary No. 2.

Senator McLeary introduced a bill to be entitled: "An Act to provide annual pensions for the surviving soldiers of the Texan Revolution, and the surviving signers of the declaration of Texan Independence, and to the surviving widows of such soldiers and signers."

Read first time and referred to Committee on State Affairs.

Senator Guy introduced a bill entitled: "An Act to regulate interest."

Read first time and referred to Judiciary Committee No. 2.

Senator Ledbetter introduced a bill entitled: "An Act to amend the penal code of the State of Texas," approved August 26, 1856.

Read first time and referred to Judiciary Committee No. 1.

The orders of the day were then taken up.

House Joint Resolution No. 23, "Joint resolution relating to elections of County Treasurers and County Surveyors," was taken up and referred to Committee on Privileges and Elections.

Senate Bill No. 33, entitled, "An Act to repeal the act to regulate the removal of the disabilities of minors," was taken up, read third time and passed.

Senate Bill No. 41, entitled, "An Act to provide for and regulate the safe keeping of trust funds by officers of courts," was taken up.

Senator McLeary offered the following amendment:

Insert after the word, "money," between lines 8 and 9, Section 1, the words, "or other article."

Adopted.

Bill read third time and passed.

Senate Bill No. 21, entitled, "An Act to provide for granting guardianship of the estates of minors and persons of unsound mind, residing out of this State, and owning property in this State," was taken up, read third time and passed.

Senate Bill No. 73, entitled, "An Act to regulate the license and practice of attorneys and counselors-at-law," was taken up, with report of Committee, recommending amendments.

Senator Smith in the chair.

On motion of Senator McLeary, the amendments of Committee were adopted.

Bill read second time.

On motion of Senator Stephens, 100 copies of the bill, as amended,

were ordered printed, and the bill made the special order for Monday next, at 11 o'clock A. M.

President in the chair.

House Bill No. 2, entitled, "An Act to create the counties of Coke, Darnell, Charlton, Lloyd, Pickett and Hart," was taken up, read first time, and, on motion of Senator McLeary, referred to Committee on Counties and County Boundaries.

Senate Bill No. 81, entitled, "An Act supplementary to the act of May 12, 1846, entitled, 'An Act to regulate the license and practice of attorneys and counselors-at-law,'" with report of Committee recommending that it do not pass, was taken up, report of Committee adopted, and bill lost.

Senator Crain moved a reconsideration of the vote on the passage of House Bill No. 42.

By leave, Senator Smith introduced a bill entitled: "An Act to amend Article 393 of 'An Act to adopt and establish a penal code for the State of Texas,'" approved August 28, 1856.

Read first time and referred to Judiciary Committee No. 2.

A message was received from the House announcing the passage by the House of House Joint Resolution No. 1: "To provide for the revision of the statutes."

On motion of Senator McLeary, House Joint Resolution No. 1, aforesaid, was referred jointly to Judiciary Committees No. 1 and 2.

By leave, Senator Grace offered the following resolution:

WHEREAS, Rule ten of the Joint Rules of the two Houses of the Legislature is calculated to create confusion in the presentation of enrolled bills; therefore, be it

Resolved by this Senate, That said rule be rescinded.

Read and referred to Joint Committee on Rules, etc.

Senator McLeary, by leave, offered the following resolution:

Resolved, That the Committee on Educational Affairs, be, and are hereby requested to inquire into the practicability of putting in operation the Agricultural and Mechanical College of Texas during the present year.

That said committee also inquire into the practicability of providing, as contemplated by law, for the early establishment of the University of Texas, and to report by bill or otherwise.

Adopted.

On motion of Senator Crain, the Senate took a recess until 11:55 A. M.

Recess expired. Roll called. Quorum present.

A message was received from the House inviting the Senate to meet with the House in joint session to proceed with the election of a United States Senator, to fill the place of the Hon. M. C. Hamilton, which expires on the 4th of March, 1877.

Senator McLeary moved a call of the Senate.

Call sustained. Roll called. Absent—Senators McCulloch, and Burton.

Senator Crain moved that the absent Senators be excused.

Lost by the following vote:

YEAS—Senators Blassingame, Carroll, Crain, Piner, Smith, Stephens, Wortham—7.

NAYS—Senators Ball, Brady, Brown, Douglass, Edwards, Francis, Ford,

Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McLeary, McCormick, Moore, Motley, Ripetoe, Storey, Terrell, Thompson—21.

Pending the call, Senator McCulloch appeared and took his seat.

Senator Piner moved that Senator Burton be excused.

Lost by the following vote:

YEAS—Senators Ball, Blassingame, Francis, Grace, Henry J. R., Henry F. M., Martin, Moore, Piner, Stephens—11.

NAYS—Brady, Brown, Carroll, Crain, Douglass, Ford, Guy, Hobby, Ledbetter, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Storey, Terrell, Thompson, Wortham—19.

Senator Douglass moved a suspension of the call of the Senate, and he made the point of order that a motion to suspend the call could be carried by a majority vote.

The President decided that the point of order was well taken.

Motion put and call suspended.

Senator Terrell moved a call of the Senate.

Call sustained. Roll called and Senator Burton absent.

On motion of Senator Douglass, five additional Assistant Sergeants-at-Arms were appointed.

The President appointed as such, Messrs. J. G. Walker, S. E. Daniels, J. A. Owens, A. T. Logan, T. C. Galusha.

On motion of Senator McLeary, the call was suspended.

Senator Martin moved that the invitation of the House be accepted.

Senator Terrell moved a call of the Senate on the motion.

Call sustained. Roll called and Senator Burton absent.

Senator Ripetoe moved to excuse Senator Burton.

Senator Brady moved a call of the Senate on that motion.

Ruled out of order.

Pending the motion of Senator Ripetoe, Senator Burton appeared and took his seat.

Call suspended.

On motion of Senator Grace, the Senate accepted the invitation of the House and proceeded to the same.

IN JOINT SESSION.

Roll called. Quorum present. Full Senate.

Roll of the House called. Quorum present.

The Speaker of the House announced that there was no choice of Senator made on yesterday, and the joint session of the two Houses would proceed to another vote, and that nominations were now in order.

On the part of the Senate, Senator McLeary nominated Hon. Richard Coke.

Senator Crain withdrew the name of Hon. F. S. Stockdale, who had been previously nominated, and put in nomination Hon. John Ireland.

Senator Brady withdrew the name of Hon. John Hancock.

On the part of the House, Mr. Lang nominated Hon. Richard Coke.

Mr. Denman nominated Hon. John Ireland.

The Secretary of the Senate was directed to call the roll of Senators, and the following was the result of the vote:

Those voting for Hon. Richard Coke were: Senators Ball, Blassingame, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, McCormick, Moore, Piner, Smith, Stephens, Wortham—19.

Those voting for Hon. John Ireland were: Senators Brady, Brown, Carroll, Crain, Hobby, McCormick, Motley, Ripetoe, Storey, Thompson—10.

Senator Burton voted for Hon. J. G. Tracy.

Senator Terrell voted for Hon. John Hancock.

The President having announced the result of the vote in the Senate, the roll of the House was called.

The following Representatives voted for Hon. Richard Coke: Mr. Speaker, Allison, Adkisson, Barziza, Blackman, Boyd, Brooks, Burrows, Cardis, Chambers, Cochran, Conley, Douglass, Downs, Gaston, Graham, Griffith, Harris, Hart, Horton, Hunter, Ikard, Jones of McLennan, Kessler, Key, Kopperl, Lang, McComb, McCuistian, McGinnis, Marshall, Martin, Pattie, Peers, Perrenot, Pickett, Rainey, Rogers, Schrier, Shaw, Stewart, Smith of Denton, Smith of Walker, Towles, Warren, Watson, Wilson, Wurzbach, Young—49.

Those voting for Hon. John Ireland were: Adams, Baker, Campbell, Carrington, Chesley, Coleman, Cone, Darnell, Denman, Dennis, Garrison, Haynes, Hightower, Holley, Hutchins, Isaacs, Jones of Gonzales, Kinnison, Lathrop, McCorkle, McKennion, Manion, Middlebrook, Moses, Newland, Northington, Parker, Price, Quinn, Roberts of Harrison, Roberts of Bee, Rust, Schmidt, Smyth, Swisher, Stone, Thompson, Watts, Wilder—39.

Mr. Holland voted for Hon. J. G. Tracy.

Mr. Mead voted for Hon. John Hancock.

The Speaker then announced as the result of the vote: That Hon. Richard Coke had received, in the Senate, 19 votes; and in the House, 49 votes. Total, 68.

That Hon. John Ireland had received in the Senate, 10 votes; and in the House, 39 votes. Total, 49.

That Hon. J. G. Tracy had received one vote in the Senate and one vote in the House. Total, 2.

That Hon. John Hancock had received 1 vote in the Senate and 1 in the House. Total, 2.

That the total vote of the Senate was 31.

That the total vote of the House was 90.

Total joint vote, 121. Necessary to a choice, 61.

The Speaker of the House announced that Hon. Richard Coke having received a majority of all the votes cast, was duly and constitutionally elected United States Senator to succeed Hon. Morgan C. Hamilton, whose term of office expires March fourth, 1877.

On motion of Senator Grace, the Senate retired to its chamber.

IN SENATE.

Roll called. Quorum present.

Senator Wortham moved that the Secretary of the Senate furnish the journals daily to the publisher of the *Austin Statesman* for publication.

Senator Terrell moved that the Committee on Public Printing have charge of the whole matter.

Carried.

On motion of Senator Grace, the Senate adjourned until to-morrow morning at 10 o'clock.